



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

: Confirmation No. 1603

Katsushi TOKUNAGA et al.

: Docket No. 2000_1639A

Serial No. 09/725,752

: Group Art Unit 1634

Filed May 22, 2001

: Examiner Diana Johannsen

REAGENT FOR DIAGNOSIS OF CROHN'S DISEASE

RESPONSE

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

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This is responsive to the Official Action dated October 2, 2002.

The Official Action constitutes a requirement for restriction.

Applicants to elect to prosecute the invention of Group III, claims 1, 3-5, 10-11 and 14, with traverse.

The restriction requirement is confusing and contains obvious errors. For example, in item 2 on page 3 of the Action, the Examiner discusses the "reagents of Group I" and "reagents of Group II". On line 5 of item 2, the Examiner states "the reagents of Group II include antibodies...". This is clearly an error, since the reagents of Group II are directed to nucleic acids.

In item 3 on page 3 of the Action, the Examiner takes the position that numerous possible combinations of reagents/genes represent an undue burden on the Examiner to search. However, it is noted that claims 2-5 are dependent upon claim 1. Even though claims 2-5 might incorporate an additional component, the patentability of independent claim 1 would establish the patentability of dependent claims 2-5. Similarly, claims 6-9 and 10-14 are reasonably grouped together as being related to the same invention.

Furthermore, the Examiner is kindly requested to note that it would constitute an undue burden on the Applicant, to file separate divisional applications to all of the different inventions

suggested by the Examiner. Consideration of the burden on the Applicant is respectfully requested.

The Examiner is respectfully requested to reconsider the restriction requirement. For example, a suggested restriction requirement is to group claims 1-5 directed to nucleic acid reagents as a first invention, to group claims 6-9 directed to antibody reagents as a second invention, and to group claims 10-15 directed to methods for diagnosis as a third invention. Please consider this possibility.

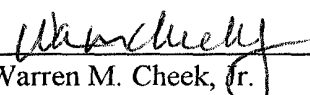
The Applicants' representative would respectfully request a brief telephone interview with the Examiner to discuss the restriction requirement when the Examiner takes up this application for further examination. The Applicants' representative may be contacted at the telephone number listed below.

Favorable action on the merits is solicited.

Respectfully submitted,

Katsushi TOKUNAGA et al.

By: _____


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